

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Association of American Physicians & Surgeons,

Plaintiff,

v.

Food & Drug Administration, et al.,

Defendants.

Case No. 1:20-cv-493-RJJ-SJB

Defendants' Response to Plaintiff's Motion to Expedite Hearing or Ruling

Plaintiff Association of American Physicians & Surgeons (“AAPS”) requested oral argument in the caption of its motion for a preliminary injunction. *See* AAPS PI Mot., ECF No. 8. AAPS now “moves for an expedited hearing or ruling on its pending motion for a preliminary injunction.” AAPS Mot. Expedite, ECF No. 15, PageID.726.

The determination of whether oral argument is necessary to dispose of a motion is at the court’s discretion. W.D. Mich. LCivR 7.2(d). Defendants believe that both AAPS’s motion for a preliminary injunction and Defendants’ motion to dismiss may be resolved on the pleadings without argument. However, if the Court believes that argument would be helpful, Defendants gladly would accommodate the Court’s preference.

July 31, 2020

Respectfully submitted,

OF COUNSEL:

ROBERT P. CHARROW
General Counsel

ETHAN P. DAVIS
Acting Assistant Attorney General

MICHAEL D. GRANSTON
Deputy Assistant Attorney General
Civil Division

STACY CLINE AMIN
Deputy General Counsel
U.S. Department of Health
and Human Services
Chief Counsel
Food and Drug Administration

ANNAMARIE KEMPIC
Deputy Chief Counsel, Litigation

SAMANTHA HONG
SUSAN WILLIAMS
Associate Chief Counsel
Office of the General Counsel
Food and Drug Division
10903 New Hampshire Avenue
Silver Spring, MD 20993

GUSTAV W. EYLER
Director

ANDREW E. CLARK
Assistant Director

s/ James W. Harlow
JAMES W. HARLOW
Trial Attorney
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, DC 20044-0386
(202) 514-6786
(202) 514-8742 (fax)
James.W.Harlow@usdoj.gov

CERTIFICATE OF WORD COUNT COMPLIANCE

Pursuant to Local Civil Rule 7.2(b)(i), I hereby certify that this response contains 114 words, as calculated by the word count function of Microsoft Word 2016.

July 31, 2020

s/ James W. Harlow
JAMES W. HARLOW

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

July 31, 2020

s/ James W. Harlow
JAMES W. HARLOW